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TOWNSEND & TOWNSEND CREW

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PTO/SB/21 (09-04)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/724,685	
		Filing Date	November 28, 2000	RECEIVED CENTRAL FAX CENTER
		First Named Inventor	Reed, Steven G.	
		Art Unit	1645	
		Examiner Name	Swartz, Rodney P.	
		Total Number of Pages in This Submission	5	Attorney Docket Number

JAN 24 2006

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition for Patent Term Adjustment under 37 CFR 1.705
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Annette S. Parent		
Date	January 23, 2006	Reg. No.	42,058

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. 1-571-273-8300 on the date indicated below.

Signature			
Typed or printed name	Marta R. Vanegas	Date	January 24, 2006

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PATENT**(ii) Correct Patent Term Adjustment**

Applicants respectfully submit that the correct patent term adjustment is 656 days, and not 241 days as indicated by the Office in the Determination of Patent Term Extension under 35 U.S.C. 154(b) that accompanied the Notice of Allowance.

(iii) Rules for the Calculation of Patent Term Adjustment

According to 37 CFR 7.703(a) the period of Patent Term Adjustment shall consist of, *inter alia*, the total number of days that the Patent Office mails an Office Action or a Notice of Allowance either in excess of fourteen months after filing date, as specified in 37 CFR 1.703(a)(1), or in excess of four months after filing a response, as specified in 37 CFR 1.703(a)(2)-(3). Further, the amount of Patent Term Adjustment should be reduced by the number of days during which the Applicant "failed to engage in reasonable efforts to conclude prosecution." Such failure consist of, *inter alia*, the cumulative difference between the mailing date of an Office Action and the filing date of a reply in excess of three months, as specified in 37 CFR 1.704(b), as well as the cumulative difference between the filing of a reply or an incomplete reply, and the filing date of the corrected or supplemental reply, as specified in 37 CFR 1.704(c)(7)-(8)

(iv) Relevant Dates for Examination Delay*(a) Examination delays by the Patent Office according to 37 CFR(a)(1)*

<u>Application Filing Date</u>	<u>First Office Action/Restriction Requirement Mailed</u>	<u>Days in Excess of 14 Months</u>
November 28, 2000	May 16, 2003	473

(b) Examination delays by the Patent Office according to 37 CFR(a)(2)-(3)

<u>Filing Date of Reply</u>	<u>Office Action/Notice of Allowance Mailed</u>	<u>Days in Excess of 4 Months</u>
July 15, 2003	August 14, 2003	0
September 25, 2003	December 17, 2003	0
June 21, 2004	January 5, 2006	441
Total Examination Delay:		914

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(v) Relevant Dates for Applicant's Delay

(a) Examination delays by the Applicant under 37 CFR 1.704(b)

<u>Office Action/Notice</u>	<u>Applicant's Response Filed</u>	<u>Days in Excess of 3 Months</u>
<u>Mailing Date</u>		
May 3, 2001	October 3, 2001	61
May 16, 2003	July 15, 2003	0
August 14, 2003	September 25, 2003	0
December 17, 2003	June 21, 2004	96

(b) Examination delays by Applicant under 37 CFR 1.704(c)(7)-(8)

<u>Filing Date of Reply</u>	<u>Filing Date of Corrective/Supplemental Reply</u>	<u>Difference in Days</u>
July 15, 2003	September 25, 2003	72
June 21, 2004	July 20, 2004	29

Total Applicant Delay: 258

(v) Calculation of Patent Term Adjustment

In view of the foregoing, Applicants assert that the correct Patent Term Adjustment is 656 days, which is the difference between the sum of periods calculated under 37 CFR §1.703(b) (914 days) and the sum of periods calculated under 37 CFR §1.704 (258 days). Accordingly, Applicant respectfully requests correction of the Patent Term Adjustment to 656 days instead of 241.

(vi) Terminal Disclaimer

This application is subject to the terminal disclaimer submitted on July 20, 2004. The terminal disclaimer specifies the date of expiration of prior U.S. Patent No. 6,627,198, i.e., April 7, 2019 and the date of expiration of any patent to issue from U.S. Patent Application No. 10/193,002 (issued as 6,949,246 on September 27, 2005), i.e., September 1, 2015.

(vii) Circumstances

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

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PATENT
Docket No.: 014058-008561US

TOWNSEND and TOWNSEND and CREW LLP

By: Marta Vanegas**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Steven G. Reed et al.

Application No.: 09/724,685

Filed: November 28, 2000

For: COMPOUNDS AND METHODS
FOR IMMUNOTHERAPY AND
DIAGNOSIS OF TUBERCULOSIS

Examiner: Swartz, Rodney P.

Art Unit: 1642

**APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. §
1.705**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance mailed January 5, 2006, and in accordance with 37 C.F.R. 1.705, Applicants respectfully request reconsideration of the patent term adjustment.

A) STATEMENT OF FACTS - 37 C.F.R. 1.705(b)(2)**(i) Eligibility for Patent Term Adjustment**

The subject application was filed as a Continuation Application of 08/818,112 on November 28, 2000. Since the subject application was filed after May 29, 2000, Applicants respectfully submit that the application is eligible for adjustment of patent term in accordance with 37 CFR 1.702.

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B) CONCLUSION

Applicant respectfully requests that the patent term adjustment be reconsidered and a correction of the Patent Term Adjustment be made to 656 days.

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for reconsideration of the patent term adjustment as set forth in § 1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,


Annette S. Parent
Reg. No. 42,058

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